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A SUPERVISOR'S GUIDE TO SAFETY RECORDS

By SeaBright Insurance Loss Control

All of us are busy these days with added responsibilities and duties that never seem to end. Besides doing your normal work, there are piles of paperwork and forms to be filled out. If you wanted to be a paper-pusher, you'd be in another business, right? But the truth is, we live in a constantly changing world with new laws and regulations cropping up every week. To keep out of trouble, it is necessary to stay informed of new requirements, provide employee safety training, and document your day-to-day safety program activities. It's almost impossible to get away from the paperwork.

YOU'RE TAKING A CHANCE IF YOU DON'T KEEP RECORDS.

The Federal Occupational Safety and Health Administration (OSHA) requires all companies to provide a safe work place and to inform employees about hazardous conditions. Several states have provisions in their codes that penalize firms that fail to do so. Penalties can be extremely high when safety violations result in death or permanent disability to employees. But it's not adequate to just give training or instructions unless you document the activity. If questioned, an injured employee may claim that no safety orientation was provided. Actually, he or she may not remember having received training, so it's usually a matter of your word against theirs. OSHA compliance officers look at it this way: "If it wasn't documented, it wasn't done."

THE ONE WITH THE MOST PAPER WINS!

In a courtroom or deposition, verbal statements do not hold as much water as written, dated and signed safety records. Even hand-written records in a small notebook can be favorable evidence in your defense. As a member of the management team with responsibility for worker safety, the buck may stop with you! Over the long run, you'll have greater peace of mind when you document your safety training, new employee orientation, accident investigation and inspections. If you leave these activities to memory, important details can be lost that could jeopardize your company, your career, and even your personal finances. Citations and civil lawsuits have targeted not only top management, but also supervisors, for failing to prove their efforts to maintain a safe workplace. Often the fines amounted to *big* bucks. Here are a few examples:

- A Michigan jury awarded an injured worker \$2.2 million after an unqualified and untrained operator accidentally lowered a mobile crane's outrigger onto the employee's foot.
- OSHA fined a New York firm \$630,000 for poor illness and injury record-keeping.
- Two other firms were fined \$300,000 and \$600,000 for failing to have adequate lockout/tagout programs.
- Lack of written programs, poorly documented safety training and missing accident records are consistently among the top most frequently cited OSHA standards.

WHAT SHOULD BE DOCUMENTED AND WHY:

New Employee Safety Orientation - A formal safety orientation must be completed before every employee begins work. This explains company safety rules, department safety procedures and potential work hazards. An orientation checklist, showing what was discussed or demonstrated should be signed by the supervisor and the new employee. A different customized checklist may be needed for each department or work area. SeaBright Loss Control offers generic samples to assist you. Why is a record of orientation important?

- If a checklist is not used; important discussion topics may be forgotten. On any given day, you may also be distracted by work demands. Or, you become so familiar with your work environment; you don't see it from a new person's point of view.
- Employees should also receive *written* materials that explain their specific responsibilities, and the work group's safety rules and disciplinary policies. Some of them may not read every word, but they deserve to have it. New people often suffer from information overload the first few days, so don't assume they will remember all instructions given to them verbally.

Hazard-Specific Training - In addition to the orientation and general safety training which all employees receive, those who work in hazardous areas such as confined spaces or with high voltage, etc., are required to receive special training to show they are "certified," "authorized," "qualified," or "competent" to work in specific areas.

Personal Protective Equipment Training - Certain operations require employees to use equipment such as respirators, fall protection and hearing protection. Formal, documented training must be given to ensure that employees are provided with, and know how to properly use, appropriate personal protective equipment.

Proficiency Assessment - When special skills or experience are required for safe operation of equipment or to carry out hazardous work, employees must be evaluated before beginning work. It's not enough to just rely on their word if they tell you, "Oh sure, I can drive a forklift!" Documentation may include an employee statement of proficiency, records of experience with previous employers, prior training or certification received, and a demonstration of knowledge or skills.

Worksite Safety Inspection - Formal surveys of your worksite to identify unsafe conditions and unsafe employee actions should be done on a regular basis. An appropriate checklist, customized for the type of industry or operation, makes the process easier and more efficient. This not only provides a record that shows your company is safety conscious, but will also increase employee awareness.

Employees at all levels can use an inspection checklist, help survey their work area, and become better educated about safety hazards in the process. A written record of inspections also provides a place to assign responsibility for any needed corrective action plus a due date for completion. This helps avoid problems that occur when someone drops the ball. SeaBright can provide you with a variety of generic inspection checklists to assist you in developing your own.

Safety Meetings - How frequently employee safety meetings must be held depends upon the industry. Safety meetings may be held on a weekly, monthly or quarterly basis. Specific frequency requirements are usually spelled out in State safety codes. Records of these gatherings must include the date, subjects discussed in the meeting, who conducted the session and signatures of employees who attended. When an OSHA inspector asks if you hold safety meetings for your crew, a copy of past records will usually be required. Records needn't be long or detailed, but you'd better have them. SeaBright's large collection of monthly *Safety Meeting Outlines* provides both a discussion topic and a recording form, and makes this easy for you.

Special Requirements for Construction: Construction work involves hazards above and beyond many other industries. As a result, this industry tends to have a larger number of safety codes to meet and a greater amount of paper work to complete. Pre-project safety meetings, held prior to the start of a job or project should be documented. Items covered include the over-all job plan, safety hazards, emergency information and other pertinent information. Documentation of all safety plans, meetings and activities is particularly important in construction since lawsuits over accidents and injuries are common. The paperwork can seem burdensome, but think of it as a "blueprint"—for safety.

Accident Investigations and Reports - A written report of all accidents and injuries should be completed as soon as they are reported. The injured worker, other employees and witnesses must be interviewed to determine *who* was involved, *what* happened, *when* it happened, *where* it happened and *why* it happened. Your company may have a customized form for this, or a form can be provided by SeaBright. These records are valuable for several reasons:

- They determine immediate and underlying causes of accidents, so strategies can be developed that will keep the same incident from happening again. Without a written record, important facts are soon forgotten. In many cases, a person not employed by the company—a "third party"—may have caused the accident and evidence is crucial for establishing both legal and financial responsibility.
- These same records may also help a claims adjuster successfully reject a fraudulent claim. If a case goes to appeal, documentation of facts is critical. Of course you can't record data *only* about incidents that are "suspect." To be fair, and to avoid charges of discrimination, every incident must be treated equally.

- **THE RECORDS YOU KEEP ARE IMPORTANT**

All of the above can serve as documentation and written proof that you, as part of the management team, have taken substantial steps to provide a safe workplace. Paperwork can be a nuisance to many supervisors, but in today's business world, "it comes with the territory." Take the time to review your specific record keeping requirements and be sure they are completed in a timely fashion.

- Your SeaBright Loss Control consultant can help you evaluate your safety documentation requirements and provide you with necessary forms and instructions. We're here to make it easier for you.